

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

KENNETH N. PLADSEN, JR.

v.

C.A. NO. 07-323 S

A.T. WALL, ET AL.

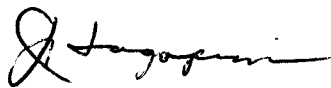
REPORT AND RECOMMENDATION

Jacob Hagopian, Senior United States Magistrate Judge

Plaintiff Kenneth N. Pladsen, Jr., *pro se*, is a former inmate at the Adult Correctional Institutions in Cranston, Rhode Island (the "ACI") who filed a complaint on August 28, 2007 against A.T. Wall, the Director of the Rhode Island Department of Corrections, various staff and doctors at the ACI, including Dr. Martin Bauermeister (Docket # 1). Presently before the Court is a motion to dismiss pursuant to Rule 4(m) of the Federal Rules of Civil Procedure due to plaintiff's failure to serve process upon him (Docket # 28). This matter has been referred to me for a report and recommendation pursuant to 28 U.S.C. §636(b)(1)(B).

On September 15, 2008, United States District Judge William E. Smith entered an Order granting motions to dismiss by various defendants in this case, dismissing the federal claims in this matter with prejudice, and dismissing the entire action. On September 26, 2008, Judgment was entered in the case for all defendants, including Dr. Bauermeister. Accordingly, as the case against him has already been dismissed and judgment has already entered in his favor, I recommend that Dr. Bauermeister's current motion to dismiss for lack of service be DENIED as moot.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986) (per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
October 28, 2008